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Chairman: Mr. Mapuranga ..... (Zimbabwe)

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Agenda item 87: Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

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The meeting was called to order at 10.15 a.m.

Agenda item 87: Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/52/131 and Add.1-2, A/52/550-553, A/C.4/52/L.17-L.21)

1. **Mr. de Silva** (Sri Lanka), speaking as Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, introduced the Special Committee's twenty-ninth report (A/52/131/Add.2), covering the period from 21 September 1996 to 29 August 1997, and its two periodic reports (A/52/131 and Add.1), which together covered the period from 21 September 1996 to 30 April 1997. The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (the so-called Oslo II Agreement) and the subsequent Protocol concerning the Redeployment in Hebron had generated renewed expectations among the population of the occupied territories and the international community. However, the human rights situation in the occupied territories had deteriorated further during the period under consideration. The most disturbing aspects of the current situation were the relentless settlement policy, the massive confiscation of identity cards from Palestinian residents of Jerusalem and the continued imposition of restrictions on the freedom of movement of the Palestinian population of the occupied territories.

2. Regrettably, Israel had, as in the past, continued to withhold its cooperation from the Special Committee, thereby preventing it from gathering direct information on all the questions that interested it. Nevertheless, the Special Committee had heard the testimony of 31 persons having first-hand and recent knowledge of the human rights situation in the occupied territories. In addition, in keeping with past practice, the Special Committee had carried out field missions in May and June 1997. In spite of the constraints impeding the exercise of its mandate, the Special Committee had been able to assess whether the signing of the peace agreements had been conducive to any improvements in the human rights situation in the occupied territories during the period under review. It had focused its attention on the issues of land confiscation, house demolitions, the expansion and building of settlements and bypass roads, the behaviour of settlers, the situation of the Palestinian Jerusalemites, as well as collective punishment measures, policy statements by the Israeli Government, the enjoyment of a number of fundamental freedoms and the question of the administration of justice and the treatment of detainees. The Special Committee had also considered the human rights situation in the occupied Syrian Arab Golan.

3. The most serious aspects of the situation of human rights in the occupied territories required particular attention. After the partial withdrawal of Israeli troops from Hebron, the human rights situation in that and other areas had continued to deteriorate over the past year. The decision by Israel on 6 March to limit the long-delayed second redeployment to only 9 per cent of the West Bank, 7 per cent of which had been a redeployment from area B to area A, rather than from area C to area A, had further aggravated the situation. The Special Committee believed that the peace process had reached a decisive stage and that, if negotiations were not resumed and the agreements that had already been reached were not fully implemented, the cycle of violence and conflict would continue. The people of Palestine were currently facing an unprecedented double challenge: a virtual breakdown in the peace process and an escalation of human rights violations.

4. The biggest threat to the peace process at the current time was the continued confiscation of Palestinian-owned land and the expansion of existing Israeli settlements and the building of new ones. If the peace process was to continue, Palestinians and Israelis had to extricate themselves from a situation that had been described as "zero-trust level". According to a study conducted in the United States of America, 26 per cent of the existing housing units located in settlements in the West Bank, 56 per cent of housing units in settlements in the Gaza Strip and 28 per cent of housing units located in settlements in the occupied Syrian Golan were unoccupied. Even an Israeli source had conceded that some 12 per cent of the settlements might be unoccupied. The single act that might be described as having brought the peace process to a halt was the beginning of the construction of a settlement to be named Har Homa in East Jerusalem, which was populated by Arabs. Plans were being made to expand the largest settlement in the occupied territories, Maaleh Adumim, which would cover more land than that occupied by Tel Aviv. In addition, there had been a significant increase in the number of demolitions of Palestinian-owned houses.

5. The situation of the Palestinian Jerusalemites, who were threatened by discriminatory measures such as the confiscation of their identity cards, which, according to the testimony of witnesses, amounted to a policy of slow deportation or ethnic cleansing, had given rise to particular concern. The application of the so-called "centre of life" criterion by the municipal authorities had caused a feeling of insecurity among the city's Palestinian population. The Special Committee had observed the continued imposition

of collective punishment measures, such as the closure of internal entry points to Palestinian settlements in the occupied territories. As a result of the restrictions imposed on freedom of movement, more than 10 persons in critical condition, including infants, had died at Israeli checkpoints for lack of a permit to enter Israel. It was estimated that the standard of living in the occupied territories had declined by one third over a period of four years. A United Nations study had concluded that the economic losses resulting from the closure of the territories amounted to twice the assistance provided to the Palestinian people by the donor community. Children suffered most of all in the current situation in the occupied territories.

6. The Special Committee had continued to follow closely the situation of some 3,000 Palestinian prisoners and several hundred administrative detainees being held in Israel. Exceptional measures, which were considered tantamount to torture, relating to the interrogation of Palestinian detainees by the Israeli General Security Service had been renewed every three months and methods of "moderate physical pressure" were also being used. With regard to the human rights situation in the occupied Syrian Arab Golan, the Special Committee had observed that the most striking features of the Israeli occupation of the territory were the severance of family ties, the repression of nationalist sentiments regarding the Syrian Arab Republic, tight control over water resources, the confiscation of land, agricultural produce and cattle, the non-recognition of Syrian diplomas and general unemployment.

7. If the current situation degenerated further, it would lead only to more violence and despair. Many believed that the signing of the Oslo Accords would lead to harmony, dignity and mutual respect among the peoples of the region. Those hopes had now all but vanished. Accordingly, both sides should respect and comply with the principle of land for peace, which was the underlying premise of the peace agreement, and refrain from actions that would undermine the permanent status negotiations. The international community could not be indifferent to the current situation and must assume an even more active and positive role in safeguarding and giving further impetus to the peace process.

8. **Ms. Nasser** (Observer for Palestine) expressed her delegation's appreciation to the Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and his colleagues for the work they had done, including the preparation of the detailed and valuable periodic reports.

9. Referring to the report of the Special Committee, she noted that during the past year the situation in the occupied Arab territories, including Jerusalem, had deteriorated to such an extent that, for the first time in 15 years, the General Assembly had had to convene a special session devoted to the question.

10. The continuing illegal activities by Israel and their consequences had actually jeopardized the very existence of the peace process and threatened the stability of the region as a whole. The illegal settlement activities, including the construction of new settlements, the confiscation of Palestinian land, the exploitation and theft of natural resources, the transfer of new settlers to the occupied territories and the building of bypass roads continued unabated. Furthermore, the campaign to judaize East Jerusalem was continuing.

11. The closure of the frontier was strangling the Palestinian economy, restricting the movement of goods and people within the occupied territories, including Jerusalem, and between the territories and the outside world, and impeding the exercise by the Palestinians of their right to freedom of worship and their right to education. In addition, other forms of collective and individual punishment continued, including the demolition of homes, the imposition of curfews, and collective administrative detentions, as well as oppression and physical ill-treatment, kidnappings and murder.

12. The Security Council had adopted 25 resolutions reaffirming the applicability of the Fourth Geneva Convention to the territories occupied by Israel since 1967, including Jerusalem. There was a clear international consensus on that point and only Israel rejected it, continuously violating the provisions of the Convention for the past three decades. Her delegation reiterated once again that the Government of Israel must accept the *de jure* applicability of the Fourth Geneva Convention and, in that regard, stressed the importance of compliance with the recommendation adopted at the tenth emergency special session that the High Contracting Parties to the Geneva Convention should convene a conference on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem.

13. There could be no viable peace process as long as Israel continued to violate the rules of international law and international humanitarian law and the provisions of the relevant resolutions of the United Nations. Israel must take a clear position on the question, cease its activities directed towards destroying the agreements reached between the Palestinian and Israeli sides, and comply with its contractual

obligations under those agreements. Those were the essential conditions for progress in the peace process and the achievement of tangible qualitative changes in the living conditions and the human rights situation of the Palestinian people.

14. Her delegation regretted the refusal of the Israeli authorities to cooperate with the Special Committee. The Special Committee's work would continue to be of importance to the international community until the Israeli occupation was brought to an end. In that connection, she expressed the hope that all the resolutions on the agenda item under consideration would receive the necessary and deserved support.

15. **Mrs. Backes** (Luxembourg), speaking on behalf of the European Union, the associate countries of Cyprus, the Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia and, in addition, Iceland, said that the European Union was extremely concerned about the profound crisis which had affected the peace process and the mounting tension and violence witnessed in 1997. Nothing could justify the barbarity of terrorism and the European Union condemned terrorist acts without reserve. It recognized Israel's needs with regard to security and its legitimate right to live within safe and recognized borders. The full cooperation of the parties to the conflict with regard to security and the fight against terrorism was therefore imperative. The European Union believed, however, that the measures imposed by the Israeli Government following the terrorist suicide attacks were excessive and jeopardized the peace process itself.

16. The serious deterioration in the economic situation in the Palestinian territory increased the feeling of frustration among the population. That feeling was exacerbated by the obstacles and delays in the course of negotiations, the resumption by Israel of the practice of confiscating land and of the construction of settlements, and thus threatened to become a source of further tension. It was thus essential to restore a climate of trust and to relaunch the peace process. The European Union therefore called upon all parties to refrain from unilateral measures which undermined trust and might prejudge the final status negotiations.

17. The European Union believed that the effective implementation of the Interim Agreement would remove the need for the Special Committee to Investigate Israeli Practices. It was convinced that the problems considered by the Special Committee would be better dealt with in a different context which would be more favourable to a spirit of compromise and mutual understanding. The European Union therefore called upon the parties to honour the obligations they had entered into in the context of the Madrid and Oslo process and to further the implementation of the 1995 Interim Agreement and the Protocol of Hebron, and encouraged them to resume talks on the final status.

18. A just, comprehensive and lasting settlement of the Palestinian question and the Israeli-Arab conflict in general must necessarily be based on Security Council resolutions 242 (1967), 338 (1973) and 425 (1978). The European Union confirmed its support for such a solution and reaffirmed its readiness to work at the political and economic levels in order to help the parties to realize that long-awaited goal.

19. **Mr. Tourgeman** (Israel) said that, in accordance with the agreements signed between Israel and the Palestinians, Israel had withdrawn its troops from all major Arab cities and towns in the West Bank and the Gaza Strip, and that over 90 per cent of the Palestinian population was now under the direct control of the Palestinian authorities.

20. In the past few years, a wave of cruel terrorist acts against innocent civilians had been committed by the Hamas and Islamic Jihad organizations, with the misguided intention of advancing the interests of the Palestinian people. Those terrorist organizations were not advancing any Palestinian national goals by their actions; on the contrary, they were bringing suffering upon their Palestinian brethren.

21. Those terrorist suicide acts had begun shortly after the signing of the Declaration of Principles in September 1993 and had continued throughout the term of the former Government of Israel and also after the coming to power of the new Government. He mentioned some of the terrorist attacks which had taken place from 1994 to 1996 and drew the Committee's attention to the fact that all of them had taken place during the term of the previous Israeli Government, which had signed agreements with the Palestinians. That fact gave the lie to the cynical claim that the cause of the terrorism was the "hard line" pursued by Israel.

22. Referring to the terrorist attacks which had taken place during 1997, he noted that the Government of Israel believed that it was its duty to take appropriate measures to protect its citizens. The first logical step in that direction was to close Israel's frontiers to Palestinians from the West Bank and the Gaza Strip. That had been necessary in order to conduct the investigation and avoid the recurrence of similar acts in the future.

23. Thus security measures, including closure of the territories, were not a form of collective punishment but a measure of protection and investigation. It was true that such measures created difficulties for the Palestinian population

and caused economic problems, and the Israeli security authorities were constantly seeking to strike a reasonable balance between permitting freedom of movement for the Palestinians and protecting the civilian population. The problem was compounded by the fact that there was no provision for capital punishment under Israeli law, not even for the most heinous crimes.

24. The statements issued by the Palestinian terrorist organizations indicated quite clearly that the acts which they perpetrated were not directed against the demarcation of Israel's borders but against its very existence. In the four years since the signing of the Declaration of Principles, countless terrorist attacks had been launched from territories handed back to the Palestinians. The territories which had been handed over to the Palestinians had become a refuge and a base for terrorists, enabling them to plan and launch their attacks.

25. The Israeli Government would continue its commitment to the peace process, which aimed at altering the present situation and achieving a permanent settlement through negotiations and agreement. However, such a process could not take place while terror and violence were being perpetrated by elements on the other side.

26. Once again the Committee was discussing the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, a committee which was archaic, outdated and divorced from reality. The nature of that Committee was indicated by its very name and mandate, which predetermined its conclusions. Of the three members of the Committee, two represented countries which did not have diplomatic relations with Israel. From its very inception, the Committee had accepted the concept of Israel's guilt irrespective of its "so-called" findings. It had totally ignored the fact that over 90 per cent of the Palestinian population was already under the rule of Palestinian authorities. For some reason the Committee had manifested total insensitivity to the innocent Israeli civilians who had been targeted by Palestinian terrorists, and had taken no account of the serious significance of those acts for daily life in Israel.

27. Faithful to its tradition, the Committee in submitting its report had once again served up a Palestinian propaganda pamphlet produced and distributed at the expense of the United Nations.

28. The Committee's report made no contribution to the peace process in the Middle East. By the same token the adoption of unnecessary political resolutions would not help to advance mutual understanding between Israel and the Palestinians.

29. **Mr. Al-Ramithi** (United Arab Emirates) said that the peace efforts were impeded by the continuing Israeli actions in the occupied Arab territories, including Jerusalem. The Special Committee's report, like other United Nations documents, had noted serious Israeli violations of the human rights of Palestinians and other Arabs living in the occupied territories. The construction and enlargement of illegal settlements were continuing in Jerusalem and throughout the occupied territory, with a view to altering the legal and demographic character of those territories.

30. The practice of collective punishment of Palestinians and closure of borders had adversely affected their economic life. Concern had been voiced not only by the Palestinians themselves but by countries all over the world, because the Israeli actions constituted new and serious violations of international law, the Charter of the United Nations and the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

31. Lack of security, heightened tension, measures incompatible with strengthening trust in the occupied Arab territories, and the deadlock in the peace process were the result of broken Israeli commitments in respect of the peace accords. First and foremost there was the matter of the redeployment and withdrawal of troops from the West Bank, the release of hundreds of prisoners and the opening of the airport at Gaza. In addition, negotiations on the final settlement of issues relating to Jerusalem, refugees, settlers and borders were constantly breaking down. That provocative practice once again confirmed the Israeli Government's intention to carry out its regional plans, and also to remain the occupying Power in the occupied Arab territories.

32. His delegation rejected and condemned Israeli practices and violations in the occupied Arab territories. All Palestinian and occupied Arab territories should be liberated, including the Syrian Golan and southern Lebanon, on the basis of the peace process and the relevant resolutions and guided by the principle of "land for peace".

33. The problem of Palestinian refugees was an integral element of the Palestinian problem and the peace process which could not be ignored. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was playing an extremely important role, especially during the current critical period of the settlement of the Palestinian problem. His delegation had followed with concern the worsening financial situation of UNRWA owing to reduced donor support, which had resulted in economy

measures that had negatively affected the quantity and quality of services in areas such as health care, education, emergency aid, and so forth. Additional assistance needed to be provided through the regular budget of the United Nations, and the issue of alternative sources of financing should be looked into.

34. The United Arab Emirates refused to accept Israeli impediments to the work of UNRWA and the Special Committee and urged the United Nations and all parties to the peace process to force Israel to honour its political and legal commitments to solve the problem of refugees, thereby enabling them to return to their country.

35. **Mr. Zaki** (Egypt) said that the Special Committee was obliged to work in extremely difficult conditions, since the Israeli Government would not allow its representatives into the occupied territories. It was therefore obliged to gather information about Israeli activities from outside sources, and was not in a position to investigate a number of violations owing to a dearth of information about them.

36. Egypt had referred in the past to the high hopes it had entertained of the Middle East peace process initiated in Madrid. It had hoped that a climate of cooperation and mutual respect would be established. Indeed, it had had real grounds for believing that a just and lasting peace would prevail in the region, and that Israeli actions with regard to the Palestinians would come to an end. During the past six months, however, the situation had changed: the present Israeli Government had reverted to the policy which Israel had pursued prior to the start of the peace process.

37. One of the most serious problems relating to Israel's actions against the Palestinians was that of the building of settlements. International law granted the Palestinians the right to live in their current territory and enjoy the use of their natural resources. The continuing practice of building Israeli settlements, especially in East Jerusalem, inflicted a crushing blow to the peace process. Israel was continuing its aggressive policies, which made talks between the two sides practically impossible.

38. Under the fourth Geneva Convention civilian populations living in occupied territories were granted numerous rights and restrictions were placed on the activities of the occupying Power. Israel was violating those restrictions in the occupied Palestinian territories. It was for that reason that the General Assembly, at its latest emergency special session, had recommended that a conference of the Parties to that Convention should be convened for the purpose of ensuring compliance with those restrictions in the aforementioned territories.

39. Many examples cited in the report of the Special Committee bore witness to Israel's numerous activities affecting the rights of Palestinians in the occupied territories. The demolition of houses and the isolation of the Palestinian territories, including the West Bank and the Gaza Strip, from the outside world, had become the usual practice.

40. Those actions by Israel each day postponed still further the prospects for the establishment of peace; that could be achieved only when the Israeli Government put an end to such violations – which ran counter to the rights of the Palestinians – began to fulfil the obligations it had undertaken for the transitional period, and ceased its attempts to disrupt the talks at the final stage. Until that time, the United Nations remained the tribunal through which the international community would express its indignation over Israel's actions in the occupied territories since 1967.

41. **Mr. Mekdad** (Syrian Arab Republic) said that, thirty years after the Israeli occupation of the Syrian Golan and the Palestinian territories, including Jerusalem, the international community, could still not compel the Israeli aggressors to comply with the norms of international law and the resolutions of the United Nations General Assembly and of other international organizations, in particular the Commission on Human Rights.

42. His delegation took note of the truthful, detailed and objective report of the Special Committee and pointed out that Israel's refusal to recognize the Special Committee and its unwillingness to cooperate with that body bore witness to its disregard for the position of the Member States and the will of the international community.

43. The policies of the Israeli Government towards the Syrian Golan included the expansion of existing settlements and the construction of new settlements, the exploitation of land resources, the Judaization of the population, the violation of the human rights and fundamental freedoms of the indigenous inhabitants, the demolition of town centres, the seizure and destructive exploitation of water resources, and the destruction of the agricultural crops of the local Arab population. At the same time, while 200,000 Syrian refugees expelled from the Golan in 1967 were waiting to return to their homes and land, Israel was planning to build new settlements, which currently numbered approximately 40.

44. Human rights violations, killings, oppression, restrictions in the spheres of culture and education, and religious persecution continued to be directed against the Palestinian people, who asserted their right to self-determination and nationhood within their territory, regardless of Israeli bullets, bombs, bulldozers and enormous destruction in their Palestinian homeland.

45. Those facts raised some doubt about the fate of the peace process and its fundamental principle, "land for peace". It was quite evident that Israel did not really want a just peace, and that it needed peace to satisfy its destructive aspirations and its occupation, which gave it control over the Syrian Golan and the other Arab territories. The new Israeli Government was attempting to destroy everything that had been achieved from the beginning of the peace process, and was disregarding all the undertakings and agreements achieved by the previous Government.

46. The Syrian Arab Republic would, as before, seek a stable and full peace on the basis of Security Council resolutions 242 (1967), 338 (1973) and 425 (1978), and on the principle of "land for peace" and the liberation by Israel of all the occupied Arab territories, for a genuine peace was incompatible with occupation and the continuing violation of legal rights.

47. **Mr. Mansour** (Lebanon) said that, from the time Israel had occupied the Golan, the Gaza Strip and the West Bank in 1967, the Israeli authorities had continuously violated the Geneva Convention on the Protection of Civilian Persons in Time of War, a norm of international and customary law. From those violations, which were reflected in the report of the Special Committee, it could be discerned that the civilian population had been exposed to persecution, and that the homes of civilians had been destroyed on the pretext that they had been built illegally or that they belonged to families, members of which participated in the opposition. A curfew had been put into effect, blocking off certain areas. Collective sanctions were being applied. Limits were imposed on construction and there were delays in the issuance of work permits to people and of permits for the treatment of patients in Al-Quds hospitals. Freedom of movement and of religion were restricted when people going to Al-Quds for prayer were delayed at checkpoints. Archaeological excavations were continuing in the Al-Aqsa Mosque. Restrictions were imposed in the area of education, the freedom to express opinions was flouted, and journalists and photojournalists were not permitted to report on certain tragic events. Civilians were detained in custody for many years without trial in violation of United Nations standards for the treatment of prisoners. Detainees underwent psychological and physical torture, which often led to their deaths. Over 10,000 hectares of land had been confiscated by force.

48. In the Bekaa Valley and southern Lebanon the situation was not much better than in the occupied Arab territories. Repressive and unjust actions by the Israeli occupying authorities constituted a flagrant violation of the Geneva Conventions and Security Council resolution 425 (1978), which called upon Israel to withdraw forthwith its forces from territory within the internationally recognized borders of Lebanon. In southern Lebanon and in Israel itself, there were camps where innocent civilians were held in custody, and illegal arrests took place. Towns and villages were exposed to deliberate shelling, property was destroyed and people were killed. During the course of aerial bombardments and artillery strikes, types of weapons which were banned internationally were used, for example cluster bombs. Israel forced thousands of people to leave their homes, and would not allow the fellahin to work the land.

49. The question arose as to how long the Israeli occupying authorities would violate international law and how long the international community, in particular the United Nations, would remain unable to compel the Israeli occupiers to comply with all the international resolutions, conventions and agreements which called for their withdrawal from the occupied Arab territories. The Israeli newspaper *The Jerusalem Post* of 19 January 1997, published a statement by the Israeli Prime Minister to the effect that the Golan should remain under Israeli control. Israel continued to occupy southern Lebanon and the Bekaa Valley and to extend its jurisdiction to the Golan and Jerusalem. The time had come for the international community to take a bold decision and put an end to the cruel and illegal occupation.

The meeting rose at noon.